

Date: June 22, 2011
W.I.: 1251, 1252, 1253, 1254, 1255, 1256
Referred by: BATA Oversight
Revised: 07/27/11-BATA
08/17/11-BATA
09/28/11-BATA
10/12/11-BATA

ABSTRACT

BATA Resolution No. 98, Revised

This resolution approves the FY 2011-12 Regional Measure 1 (RM 1), Regional Measure 2 (RM 2), Rehabilitation (Rehab), Seismic Retrofit Program (SRP), AB 1171 Capital, and Toll Bridge Operating Budgets, consistent with the BATA Toll Bridge Program Plan of Finance. Budgeted revenues include RM 1, RM 2 and SRP toll revenues and interest income earned on BATA fund balances. Budgeted expenses include Caltrans operating costs for manual toll collection, maintenance of bridge facilities and facilities related to toll collection, and maintenance and operation of the Transbay Transit Terminal and BATA's direct operating costs, including cash counting and toll accounting operations and management of the FasTrak® electronic toll collection customer service center and system maintenance. The Toll Bridge Program Capital Budget for FY 2011-12 includes the budgets and fund allocations for the RM 1, Toll Bridge Rehabilitation, and SRP programs and budgets for the RM2 and AB 1171 programs. This resolution incorporates and supersedes all prior Toll Bridge Program capital project budgets and fund allocations.

Attachment A to this resolution was revised on July 27, 2011 to authorize the transfer of Toll Bridge funds to the Bay Area Headquarters Authority in an amount of \$179,776,515. The transfer is for projects that include the purchase of a building for the Bay Area Headquarters Authority, as well as building capital and office tenant improvements.

The revision to Attachment A to this resolution concerning the transfer of Toll Bridge funds to the Bay Area Headquarters Authority that was approved on July 27, 2011 was rescinded by the Authority on August 17, 2011.

Attachment G to this resolution was revised on September 28, 2011 to authorize the release of Oakland Touchdown #2 contract documents for advertisement and to authorize the BATA Executive Director, or his designee, to authorize contract amendment documents as necessary.

Attachments D1 and D2 to this resolution was revised on September 28, 2011 to modify budgets and allocations made to the Toll Bridge Rehabilitation Program.

ABSTRACT

BATA Resolution No. 98, Revised

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Attachment A to this Resolution is being revised on October 12, 2011 to authorize the transfer of Toll Bridge funds to the Bay Area Headquarters Authority (BAHA) in an amount of \$_____. The transfer is for projects that include the purchase of a building for the Bay Area Headquarters Authority, as well as building capital and tenant improvements.

Discussion of this resolution item can be found in the Executive Director's memoranda to the BATA Oversight Committee dated June 1, 2011 and September 7, 2011 and to BATA dated July 20, 2011 and October 6, 2011.

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BAY AREA TOLL AUTHORITY
RESOLUTION No. 98

WHEREAS, Streets and Highways Code Sections 30950 et seq. created the Bay Area Toll Authority (“BATA”); and

WHEREAS, Streets and Highways Code §§ 30950 et seq. transfers to BATA certain duties and responsibilities of the California Transportation Commission (“CTC”) and California Department of Transportation (“Caltrans”) for the toll bridges owned and operated by Caltrans in the San Francisco Bay Area; and

WHEREAS, in accordance with Streets and Highways Code §§ 30950.2 and 30886, BATA is responsible for the administration of all toll revenues from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission; and

WHEREAS, Bay Area bridges are defined in Streets and Highways Code § 30910 to include the Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco-Oakland, San Mateo-Hayward, and Dumbarton Bridges, and

WHEREAS, Streets and Highways Code § 30950.1 requires BATA to adopt an annual operating budget; and

WHEREAS, Streets and Highways Code § 30958 authorizes MTC to retain an amount not to exceed 1 percent of the gross revenues collected from tolls annually on Bay Area bridges to pay for administrative costs, after payments for debt service on outstanding bonds, and BATA’s direct operating costs; and

WHEREAS, BATA staff has prepared a proposed budget for FY 2011-12 that includes anticipated revenues and expenses, as set forth in Attachment A, and reserve designations as set forth in Attachment I to this resolution, attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to Streets and Highway Code § 30952, the State of California Department of Transportation (“Caltrans”) is responsible for the capital improvements of the state-owned toll bridges in accordance with programming and scheduling requirements as adopted by Authority; and

WHEREAS, Caltrans has requested that the Authority adopt budgets and allocate toll funds for capital outlay and support costs of the Regional Measure 1 (RM1) Program, Rehabilitation (Rehab) Program and the Toll Bridge Seismic Retrofit Program (SRP) on the state-owned toll bridges, as listed on attachments to this resolution; and

WHEREAS, pursuant to Streets and Highway Code § 30914, Authority is responsible for the budgeting and disbursing of Regional Measure 2 (RM2) toll revenues for capital projects in the Regional Traffic Relief Program; and

WHEREAS, pursuant to Streets and Highway Code § 30913 and 31010(b), Authority is authorized to budget and fund eligible AB 1171 Capital Program projects from toll bridge seismic retrofit surcharge funds exceeding legal requirements to fund and finance the SRP; and

WHEREAS, Streets and Highways Code § 30952.05 (b) specifies that all contract specifications and bid documents for the Benicia-Martinez Bridge, as described in Section 30917, and the state SRP projects, as described in Section 188.5, shall be reviewed and approved by BATA prior to their release; and

WHEREAS, Streets and Highways Code §§ 30952.05(c) and 30952.1(b) authorizes the Toll Bridge Program Oversight Committee (POC), created pursuant to Streets and Highways Code §30952.1, to implement project oversight and control processes for all projects covered by §30952.05 (b); and

WHEREAS, the POC recommends approval of bid specifications and documents and program budget and project allocation schedules for SRP projects for the adoption by BATA, as listed on the attachments to this resolution, attached hereto and incorporated herein as though set forth at length; and

WHEREAS, in accordance with the BATA finance plan (BATA Resolution No. 57), adopted by the Authority on September 28, 2005, and the bond covenants adopted under the Master Indenture and Supplemental Indentures, as well as the 2010 Plan of Finance (Resolution No. 92) approved April 28, 2010. BATA is required to maintain certain reserves and contingencies including a reserve for operations and maintenance at twice the adopted operating budget and a Self Insurance Reserve of at least \$50 million which are detailed in Attachment I of this resolution.

WHEREAS, the BATA Oversight Committee met on June 8, 2011 to review the proposed FY 2011-12 Toll Bridge Program operating budget and the RM1, RM2, Rehab, SRP, and AB1171 capital budgets and fund allocations and recommended its approval; now, therefore, be it

RESOLVED, that BATA approves the FY 2011-2012 Toll Bridge Program operating budget as set forth in Attachment A to this resolution attached hereto and incorporated herein as though set forth at length; and, be it further

RESOLVED, that the BATA Oversight Committee may approve adjustments among line items as set forth in Attachment A providing that there shall be no increase in the overall budget without prior approval of BATA and, be it further

RESOLVED, that the Executive Director or his designee shall submit written requests to the BATA Oversight Committee for approval of funds to contract for applicable consultant and professional services; and, be it further

RESOLVED, that the Authority adopt budgets and allocate toll funds for the FY 2011-2012 RM 1, RM 2, Rehab, SRP, and AB 1171 programs for the state-owned toll bridges, as listed on Attachments B through H; and be it further

RESOLVED, that BATA approves the release of the contract specifications and bid documents for SRP projects as recommended by the POC; and be it further

RESOLVED, that BATA authorizes the Executive Director to approve the release of any further addenda to the bid documents that may be required through the bid advertisement period for projects approved by BATA for release of contract documents, as listed on Attachment G; and be it further

RESOLVED, that the Authority authorizes fund reserve designations, effective June 30, 2011, as listed in Attachment I.

RESOLVED, that the Executive Director or his designee shall report to the BATA Oversight Committee on any bid addenda that are issued and on any bids awarded; and be it further

RESOLVED, that the Authority may, from time to time, add to or amend the allocations authorized by this resolution through additional attachments or amendments to the attachments, as approved by the Authority, which are hereby incorporated in Resolution No. 98 by this reference.

RESOLVED, that the Executive Director or his designee shall furnish the BATA Oversight Committee with a periodic financial report to reflect estimated and actual income,

expenditures, obligations for professional and consultant services, cash flow projections and such other information and data as may be requested by the Committee.

BAY AREA TOLL AUTHORITY

Adrienne J. Tissier, Chair

The above resolution was entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in Oakland, California, on June 22, 2011.

Date: June 22, 2011

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Referred by: BATA Oversight

Attachments

BATA Resolution No. 98

FY 2011-12 Toll Bridge Program
Operating and Capital Budgets

Attachment A: FY 2011-12 Toll bridge Program (RM1, RM2, and SRP) operating budget.

Attachment B: Base Toll Funded Toll Bridge Capital Program Budgets, which shows the adopted capital budgets for the base toll funded projects.

Attachment C: FY 2011-12 RM 1 Toll Bridge Program capital outlay and capital outlay support allocations for the RM 1 projects.

Attachments D1 and D2: FY 2011-12 Toll Bridge Rehabilitation Program capital outlay and capital outlay support allocations for the toll bridges.

Attachment E: RM2 Capital Program Budget, which includes all RM2 capital projects listed as a part of the Regional Traffic Relief Plan.

Attachment F: SRP Capital Program Budget, which shows the adopted capital budgets for the SRP projects.

Attachment G: FY 2011-12 SRP capital outlay and capital outlay support allocations for the SRP projects.

Attachment H: AB 1171 Capital Program.

Attachment I: Authorized Fund Reserve Designations, effective June 30, 2011.

